HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24847 of 2006

Date : 6-12-2006

Between:

Kilaru David Raju s/o.K.Barnabas .. Petitioner

And

The Visakhapatnam Urban Development Authority, represented by its Vice Chairman, Visakhapatnam. .. Respondent

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24847 of 2006

ORDER:

On 29-11-2006 Ms.Preethi Reddy had taken notice on behalf of the respondents and requested time to get instructuions.

It is stated that the vehicles already had been released. Sri Srinivas, the learned Counsel representing the writ petitioner would submit that unless and until the respondent follows the procedure as per law, the respondent cannot interfere with the activity of the writ petitioner.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondent in obstructing the petitioner from carrying out his (Agricultural) Horticulture operations in Sy.No.49/2 (Patta No.62) admeasuring Ac.3-00 situate in Narellavalasa village, Bheemunipatnam Mandal, Visakhapatnam District as well as seizing the lorries bearing No.AP 31W 6189 and AP 31 X 169 as illegal, arbitrary, without jurisdiction and opposed to

Articles 19, 21 and 300-A of the Constitution of India and consequently restrain the respondent, his officers, agents and servants from interfering with the lawful activities of the petitioner i.e., agricultural operations in his lands and to direct the respondent to release the vehicle seized by them and further direct them to pay Rs.1,00,000/- as compensation and to pass such other suitable orders.

Several factual details had been narrated in paras 2 to 8 of the affidavit filed in support of the Writ Petition. Ms.Preethi Reddy, the learned Standing Counsel states that this is not agricultural land and the petitioner is not having title to the property and had violated C.R.Z. Rules. It is needless to say that even in such cases, the respondent is bound to follow the procedure as per law.

Accordingly, the Writ Petition is disposed of directing the respondent not to interfere with the operations of the petitioner unless and until the due process of law is followed. No order as to costs.

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Justice P.S. Narayana

Date : 6-12-2006

Note: c.c.in 3 days.
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